

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:18-CR-00135(1)-ADA
	§	
(1) DANIEL FREDRICK	§	
AVILES-HAMMAC		

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On April 9, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) DANIEL FREDRICK AVILES-HAMMAC, which alleged that Aviles-Hammac violated a condition of his supervised release and recommended that Aviles-Hammac 's supervised release be revoked (Clerk's Document No. 38). A warrant issued and Aviles-Hammac was arrested. On July 3, 2024, Aviles-Hammac appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Aviles-Hammac appeared before the magistrate judge on July 9, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on July 9, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the

original offense and the intervening conduct of Aviles-Hammac, the magistrate judge recommends that this court continue Aviles-Hammac supervised release. The magistrate judge recommends the additional following special conditions: Defendant is required to enroll in a substance abuse treatment program, as best determined by his Probation Officer. It is further ORDERED that if Defendant allegedly violates the conditions of release and a petition to revoke supervision is granted, Defendant SHALL be brought before the Honorable Derek T. Gilliland, United States Magistrate Judge for any future revocation hearings if at all possible. (Clerk's Document No. 50).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On July 9, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To

Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 49). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.


IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 50) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) DANIEL FREDRICK AVILES-HAMMAC's term of supervised release is hereby CONTINUED. In addition, defendant Aviles-Hammac shall comply with the following special conditions:

Defendant is required to enroll in a substance abuse treatment program, as best determined by his Probation Officer. It is further ORDERED that if Defendant allegedly violates the conditions of release and a petition to revoke supervision is granted, Defendant SHALL be brought before the Honorable Derek T. Gilliland, United States Magistrate Judge for any future revocation hearings if at all possible.

IT IS FURTHER ORDERED that all prior conditions of supervised release are reimposed.

Signed this 10th day of July, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE